

Lewis County Rezone – Zoning Map Correction

File No.: MSC10-0102

Planning Commission Supplemental Staff Report – **DRAFT**

PROPOSAL INFORMATION

| | | | |
|--------------------|--|---|------------------------|
| Contact | Cameron Craig | | |
| Owner | Packwood Lumber | | |
| Request | <input checked="" type="checkbox"/> Map <input type="checkbox"/> Text <input type="checkbox"/> UGA Change <input type="checkbox"/> Other | | |
| | Existing Comprehensive Plan Designation: | STI | |
| | Proposed Comprehensive Plan Designation: | STMU | |
| | Existing Zoning Category: | STI | |
| | Proposed Zoning Category: | STMU | |
| Location/Site Size | Located on US Hwy 12 | | Approximately 55 acres |
| Parcel Number(s) | 035245011000, 035235001000 035239004001, 035239004002, 035239004003 | | |
| Site Description | Existing Uses | 2 Parcels, 1 parcel vacant office & open space, 1 parcel portion of vacant mill & vacant open space | |
| | Topography | Open space, flat with some vegetation with vacant buildings | |
| | Other Features | Slight elevations change to the east | |

SUMMARY EVALUATION

| CRITICAL AREAS REVIEW | |
|--------------------------------|---|
| Critical Aquifer Recharge Area | High Susceptibility on west parcel |
| Floodplain | Both lots 100 year floodplain |
| Geologically Hazardous Areas | N/A |
| Wetlands | Small portion located in the north-east section |
| Hydric Soils | |
| Stream Buffer | East lot contains stream buffer area |

Original application approved in Ordinance 1230 Adopted December 12, 2011

STATE ENVIRONMENTAL POLICY ACT (SEPA)

An environmental checklist was prepared by Lewis County for the proposal and Determination of Non-Significance (DNS) for a non-project action was issued for the proposal on June 1th, 2011, with a comment and appeal period ending on June 21st, 2011. The DNS was circulated to agencies of jurisdiction and published in the East County Journal on June 1st, 2011.

PUBLIC NOTICE REQUIREMENTS

Notice of the public hearing on the proposal was published in the Legal Notice section of the East County Journal and the Chronicle on June 15, 2011.

PUBLIC PARTICIPATION

The applicant and Lewis County Community Development Department have met the following Public Participation Program guidelines for public notice and public hearing(s):

- Circulation of application and SEPA to affected Lewis County agencies and jurisdictions
- County-wide general circulation of legal advertisement placed in the East County Journal and the Chronicle newspaper on June 15, 2011.
- Public meeting & workshop held in Lewis County Public Works Building on April 26, 2011, and May 24th, 2011 at 7:00 p.m.
- County-wide general circulation of display advertisement for amendment and hearing date placed in the East County Journal and the Chronicle newspaper on June 15th, 2011.
- Circulation of amendment to state agencies for review as required by RCW 36.70A
- Publication of amendment and map on Lewis County internet site
- Information regarding proposed Rezones and concurrent Comprehensive Plan Map Amendment(s) available at County Libraries
- Public Hearing in front of the Board of County Commissioners December 11, 2011

PUBLIC COMMENT

None received as of the date this report was produced.

STAFF REPORT ON AMENDMENT REQUEST

File No: MSC10-0102

Request

The original application was a request to change the zoning from Small Town Industrial (STI) to Small Town Mixed Use (STMU), with a concurrent Comprehensive Plan Map change from Small Town Industrial (STI) to Small Town Mixed Use (STMU).

FINDINGS

This application and its ultimate approval did not result in the final zone change that the applicant had originally intended.

The following excerpts show the original intent of the applicant.

(**BOLD** emphasis added to highlight specifics areas)

From the May 24, 2011 Planning Commission Workshop memo

4) MSC 10-0102 Hampton Lumber Mills Inc.
Site Address: US Highway 12
Parcel Number: 035245011000, 035235001000, **035239004000** *
Acreage: 55
Proposal: Small Town Industrial to Small Town Mixed Use (Previously STI).

The applicant intends to develop the property into those uses allowed in the mixed use zone. A mixed use residential development conceptual drawing was submitted. The site is mixed with trees and brush. **The parcels under consideration contain two separate lots, and a portion of a larger lot whose lot lines will be reconfigured through a lot line adjustment at a later date.** A legal description will be done at a later date to recognize that portion of the larger lot to be included in this rezone. The applicant states the lots that are part of the larger mill site will not be utilized as a mill site again.

* This parcel number was omitted from subsequent correspondence, it is the larger lot between the two separate lots

From the May 24, 2011 Planning Commission Workshop meeting notes

*Mr. Basler stated the 55 acres was formerly a mill site. There are actually two parcels but it would be one rezone. There were **discussions last year with staff that this would be the proposal and they would later come back and do a boundary line adjustment adjoining these two parcels.***

From the DRAFT Staff Report included in the May 24, 2011 packet

*The applicant states that they are only **attempting to rezone the lower portions of the site at this time**, to leave open the option of the upper portion to be developed as industrial in the future.*

From the June 28, 2011 Planning Commission Public Hearing meeting notes

*Application #4 is from Packwood Lumber asking for rezoning from Small Town Industrial to Small Town Mixed Use (STMU). Mr. Basler pointed out **on the revised map* the cross-hatched section between two parcels**. He explained that this would be a two-part process. The two parcels, if approved, would be rezoned as STMU and the easterly line on the western portion would be moved by a Boundary Line Adjustment (BLA). Mr. Basler would ask that the BLA be a caveat to the re-zoning and the applicant agreed.*

* see exhibit 3

...

*Chairman Russell asked for clarification that the BLA would not affect the northern portion of the property. Mr. Basler stated that was correct and **if this is approved they would start the process of the BLA**.*

From the June 28, 2011 Planning Commission Public Hearing – Mr. Cameron Craig, representing Hampton Affiliates, the owners of the Packwood mill site

*...A lot line adjustment was not done in advance of this request due to advice from county staff. We did not want to decide on developing 50 acres only to have the Planning Commission see something different and the boundary line adjustment could have been in the wrong place. **We would be agreeable to a boundary line adjustment as a condition to the approval of the rezone.***

From July 12, 2011 Planning Commission Workshop meeting notes

*Application #4 – Packwood Lumber (MSC10-0102): requesting Small Town Mixed Use from Small Town Industrial. Mr. Basler stated the two sites to be re-designated **will eventually be combined with a boundary line adjustment (BLA)**.*

*Mr. Basler stated **staff recommended the BLA be done within six months** or so after approval. Chairman Russell would like a caveat that if the rezone is approved that the applicant starts the BLA within a reasonable length of time and if that is not done the applicant will need to reapply. The Commissioners agreed.*

...

Commissioner Guenther made a motion to have staff prepare a Letter of Transmittal on the six applications for rezone. Commissioner Tausch seconded. The motion carried.

The original application was approved as part of Ordinance 1230, signed on December 12, 2011.

Zoning Map Correction

The approved zoning change did not fully reflect the original intent of the applicant. The applicant wished to rezone the southern portion of their property including all or part of three lots as shown on Exhibit 1. Exhibit 1 was part of the original application.

Exhibit 2 shows the zoning map presented in the April 26, 2011 Planning Commission workshop.

Exhibit 3 is the revised zoning map shown in the June 28, 2011 Planning Commission Public Hearing

Exhibit 4 is the map distributed at Board of County Commissioners Public Hearing on December 12, 2011. This map reflects the zone change for the two parcels in the original application only.

Exhibit 5 shows the original configuration of the parcels.

As required by the recommendation of the Planning Commission and Lewis County Ordinance 1230, the applicant did a segregation survey of their properties, consolidating five lots into three lots and realigning boundary lines as shown in Exhibit 6. The segregation was recorded on July 27, 2012.

Exhibit 7 shows the area (*parcel 035239004001*) the applicant had intended to rezone to Small Town Mixed Use (SMTU).

Exhibit 8 shows the specific areas that should be corrected in this request.

Exhibit 9 shows zoning as it would appear after it is corrected.

CONCLUSION

Staff recommends adjusting the zoning designations on the subject property to reflect the applicants original intention.

Attachments:

- Exhibit 1 Application rezone area
- Exhibit 2 Zoning map presented to Planning Commission
- Exhibit 3 Revised zoning map presented to Planning Commission
- Exhibit 4 Comprehensive Land Use map adopted December 12, 2011
- Exhibit 5 Aerial map showing original parcel lines
- Exhibit 6 Aerial map showing parcel lines after segregation survey
- Exhibit 7 Zoning map showing intended rezone area
- Exhibit 8 Zoning map showing specific areas to be corrected
- Exhibit 9 Zoning map showing zoning as intended